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Action

Credentialing and Certificated Assignments Committee

Proposed Amendments to 5 California Code of Regulations §80440 Pertaining to Date of Issuance of Credentials and §80443 Pertaining to Processing Time for Credentials and Permits

Executive Summary: Commission staff is proposing amendments to 5 California Code of Regulations §80440 and §80443 to align with Education Code Section 44350 as amended by Assembly Bill 469 (Chap. 133, Stats. 2007).

Recommended Action: Staff recommends that the Commission approve the amendments to 5 California Code of Regulations, §80440 and §80443 for the purpose of beginning the rulemaking file for submission to the Office of Administrative Law and scheduling a public hearing.

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Strategic Plan Goal: 1

Promote educational excellence through the preparation and certification of professional educators.

- ♦ Sustain high quality standards for the preparation and performance of professional educators for the accreditation of credential programs.

Proposed Amendments to 5 California Code of Regulations §80440 Pertaining to Date of Issuance of Credentials and §80443 Pertaining to Processing Time for Credentials and Permits

Introduction

At the November 2007 Commission meeting, staff presented proposed amendments to §80440 Pertaining to Date of Issuance of Credentials and §80443 Pertaining to Processing Time for Credentials and Permits due to the passage of Assembly Bill (AB) 469 (Chap. 133, Stats. 2007). Staff is presenting these changes for Commission approval.

Background

AB 469 amended Education Code §44350 to require the Commission to process an application within 50 business days of receipt. This is a reduction of the previous regulatory mandate of 75 working days. The new timeline pertains to all applications, whether submitted online or by paper through the U.S. mail. The only exceptions to the 50-day processing timeline are applications submitted by individuals who must undergo a Commission fitness review.

Another provision of AB 469 requires school districts, county offices of education, nonpublic schools, charter schools, colleges and universities to submit application packets to the Commission no more than three months after the requested issuance date for the document. This is a reduction of the previous four month timeline. This provision pertains to all applications, submitted online or through the U.S. mail, regardless of whether the application is accompanied by fingerprint cards. A document for an application received more than three months after the requested issuance date will be issued effective the date the application is received at the Commission provided all requirements for the document have been met.

Proposed Amendments to Regulations

Section 80440

§80440(a)(2) Education Code §44350 requires the submission of an application to the Commission not be more than three months after the requested issuance date of the document. Staff is proposing that the language pertaining to the submission of applications be changed from four months to three months. Staff is also proposing the deletion of the language pertaining to the submission of applications in forty-five working days for individuals who do not have fingerprint clearance on file at the Commission.

§80440(b) Education Code §44350 requires the submission of an application to the Commission not be more than three months after the requested issuance date of the document. Staff is proposing that the language pertaining to the submission of applications be changed from four

months to three months. Staff is also proposing the deletion of the language pertaining to the submission of applications in forty-five working days for individuals who do not have fingerprint clearance on file at the Commission.

§80440(c)(2) Staff proposes that the submission timeline for renewal applications be changed from four months to three months.

Section 80443

§80443(a)(1) Staff proposes that 75 working days for the processing of applications be changed to 50 business days to align with Education Code §44350. Staff also proposes deletion of the language pertaining to the return of incomplete applications, as all applications will be processed in 50 business days.

§80443(a)(2) Staff proposes that the language concerning maximum processing times be deleted, as it provides outdated information.

§80443(b)-(d) Staff proposes deletion of these subsections due to the repeal of the Permit Reform Act of 1981 (Government Codes sections 15374 – 15378, which was the statutory authority for these provisions). (Chap. 229, Stats. 2003, section 1.8 (AB 1757).)

Next Steps

The proposed regulations will appear next at a public hearing following the required 45-day response period.

CALIFORNIA CODE OF REGULATIONS TITLE 5. EDUCATION DIVISION 8. COMMISSION ON TEACHER CREDENTIALING

80440. Date of Issuance of Credentials.

(a) The issuance date of a credential may be determined by an office of the county superintendent of schools, a school district, a local education agency, a non-public school, non-sectarian school or agency certified by the California Department of Education, a California institution of higher education with a program accredited by the Committee of Accreditation or the California Commission on Teacher Credentialing provided the following conditions are satisfied:

(1) all the requirements for the credential were met prior to the issuance date of the credential, and

(2) the application is submitted to the Commission not more than three months ~~forty-five working days~~ after the issuance date of the credential ~~if fingerprint clearance is not on file at the Commission or not more than four months after the issuance date of the credential if fingerprint clearance is already on file with the Commission.~~

(b) The issuance date for a credential recommended by a California institution of higher education with a program accredited by the Committee on Accreditation shall be the date of

completion of all requirements for the credential or later as established by the institution provided the application is submitted to the Commission not more than three months ~~forty-five working days~~ after the issuance date of the credential if ~~fingerprint clearance is not on file at the Commission or not more than four months after the issuance date of the credential if fingerprint clearance is already on file with the Commission.~~

(c) The issuance date of the renewal of a credential will be the same as the expiration date of the credential to be renewed, provided all of the following conditions are satisfied:

- (1) the renewal application is submitted to one of the agencies listed in (a) above within one year prior to the expiration date;
- (2) the renewal application is submitted to the Commission not more than three ~~4~~ months after the issuance date of the credential; and
- (3) all the requirements for the credential were met prior to the issuance date of the credential.

(d) If the conditions described in (a), (b), or (c) above are not satisfied, the issuance date will be the date the application is received by the Commission or the date the applicant meets all of the requirements for the credential, whichever date comes later.

Note: Authority cited: Section 44225, Education Code. Reference: Section ~~44252~~ 44350, Education Code.

80443. Processing Time for Credentials and Permits.

(a) The processing time for all credentials and permits shall meet all of the following criteria:

- (1) The Commission on Teacher Credentialing shall reach an issuance decision for a credential or permit and notify the applicant within fifty (50) ~~75-working business~~ days of the receipt of the application. ~~Incomplete applications will be returned to the applicant or recommending institutions within 45 working days of the receipt of the application. The processing time of fifty (50) 75-working business days in these cases will commence upon receipt of the resubmitted complete application;~~
- (2) ~~For the past two years the Commission's maximum processing time has been 77 working days, a minimum of 7 working days, and a median of 35 working days;~~
- (3) An application is determined complete when all materials needed for processing and all facts required by the law are included.

~~(b) The appeal process for the implementation of this section shall be as follows:~~

- ~~(1) An applicant who has submitted a complete application and has not received notification of his or her credential status within 75 working days may appeal directly in writing to the Executive Secretary of the Commission. If the appeal is decided in the applicant's favor because the agency exceeded the maximum time period, without good cause, all filing fees are refundable. The applicant must appeal in writing to the Executive Secretary. The applicant will be informed in writing of the decision of the Executive Secretary within 30~~

~~working days of the receipt of the appeal. The application form will include information indicating the right to appeal and provisions for making an appeal established by this section.~~

~~(2) Applicants who are making a Commission appeal as to academic requirements or applicants under review by the Professional Standards Section of the Commission are not eligible to appeal under this section.~~

~~(c) The Commission shall be considered to have good cause for exceeding the maximum time period established for processing a credential or permit, under the following conditions:~~

~~(1) The number of permits and/or credentials to be processed exceeds by at least 15 percent the number processed in the same calendar quarter the preceding year;~~

~~(2) Fingerprint card clearance is not received from the Department of Justice and/or the Federal Bureau of Investigation during the 75 working days, specified in subsection (a)(2). In such event the Commission shall issue the credential within 7 working days of receipt of the fingerprint clearance;~~

~~(3) Other statutory mandates cause an unforeseeable delay in the application process.~~

~~(d) Any new or additional credentials or permits required or established by the Commission after the effective date of, on or after March 1, 1984 shall be subject to these regulations.~~

Note: Authority cited: Section 44225, Education Code 15376, Government Code. Reference: Sections 44350, Education Code 15374, 15375, 15376 and 15378, Government Code.